

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

ESTATE OF ROGER D.

OWENSBY JR., et al.,

Plaintiffs,

vs.

CITY OF CINCINNATI,

et al.,

Defendants.

Case No. 01-CV-769
(Judge S. A. Spiegel)

Videotaped deposition of PATRICK EDMUND
CATON, a defendant herein, called by the plaintiffs
for cross-examination, pursuant to the Federal Rules
of Civil Procedure, taken before me, Wendy Davies
Welsh, a Registered Diplomate Reporter and Notary
Public in and for the State of Ohio, at the offices
of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &
Walnut Centre, 105 East Fourth Street, Cincinnati,
Ohio, on Friday, October 17, 2003, at a.m.

COPY

1 audiotape of the incident. From the time I put out
2 the officer needs assistance broadcast, which is
3 pretty much as we all hit the -- as soon as we're on
4 the ground, to the time that I say, Prisoner's
5 secure, we need a boss for a Macing, is right at two
6 minutes.

7 Q. And when you said, Prisoner's secure, we
8 need a boss for Macing, that was right after you had
9 closed the door to the Golf Manor cruiser?

10 A. That's correct.

11 Q. Did you and Officer Sellers place Mr.
12 Owensby in the back seat of the cruiser, the Golf
13 Manor cruiser because Mr. Owensby was in such a
14 condition that it was difficult to get him to walk?

15 A. No. He walked to the Golf Manor cruiser.

16 Q. If that were the case, why didn't you walk
17 him to your cruiser?

18 A. Because my cruiser was over 100 yards
19 away, over a guarder that you had to climb over to
20 get to it. And as violently as he resisted, I
21 didn't want to give him that much more time to
22 recover and begin resisting again. I wanted to
23 secure him as quickly as possible.

24 The Golf Manor cruiser was the only

1 cruiser on scene, and it was there. It was my
2 intention to use it as a temporary holding facility
3 until we could bring a cruiser over and transfer him
4 to a Cincinnati cruiser.

5 Q. The guardrail you're talking about -- I'm
6 referring you to Exhibit 31. The guardrail you're
7 talking about having to climb over is the one to the
8 south side of Sam's? Is that -- is that what you're
9 referring to?

10 A. I believe it's the northwest side, where
11 your thumb is. Oh, I'm sorry, the south side --

12 Q. Of Sam's.

13 A. -- of Sam's, yes.

14 Q. Of Sam's?

15 A. The south side of Sam's, that's correct.

16 Q. Okay. But in this area you can walk him
17 on the sidewalk and not have to climb over any
18 guardrail, right?

19 A. Actually, that's not fairly accurate. The
20 guardrail, as I recall it that night, comes almost
21 all the way out to the street.

22 Q. Well, the sidewalk --

23 A. There's a --

24 Q. -- is not -- there's no guardrail --